

ENTERED

April 18, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RYANT CONNELLY,

Plaintiff,

v.

FBI CC DIVISION, and
U.S. ATTORNEY'S OFFICE CC
DIVISION,

Defendant.

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Civil Action No. 2:22-CV-00206

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the November 16, 2022, Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Mitchel Neurock. (Dkt. No. 21). Magistrate Judge Neurock made findings and conclusions and recommended Plaintiff's Complaint be dismissed with prejudice for failing to state a claim on which relief can be provided. (*Id.*). Magistrate Judge Neurock determined that Plaintiff's *Bivens* action cannot survive because such actions cannot be asserted against agencies like the ones sued in this case. (*Id.* at 7). Further, even if Plaintiff had sued named individuals, Magistrate Judge Neurock found that Plaintiff has not alleged the violation of any constitutional right. (*Id.* at 8–10).

The Parties were provided proper notice and the opportunity to object to the M&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On December 8, 2022, Plaintiff filed objections. (Dkt. No. 22). Plaintiff argues that he would have sued the FBI agents individually if he knew their names, and then reasserts his original claims. (*Id.*).


In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Neurock’s M&R, (Dkt. No. 21), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff’s Complaint, (Dkt. Nos. 1, 16), is **DISMISSED WITH PREJUDICE**.

It is SO ORDERED.

Signed on April 18, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE